

**October 27, 2014**  
**Town Board of Commissioners Meeting Minutes**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, October 27, 2014, at 7:00 p.m. in the Board of Commissioner's Meeting Room with Mayor Timothy A. Hinnant presiding. Present at the meeting were Commissioners John Boyette; Jon Lutz; James Parham; Virginia Gray; Manager Teresa Piner, IT Administrator Tamah Hughes; Finance Director Butch Kay; Police Chief Bill Carter; Parks and Recreation Director Jeff Polaski; Planning Director David Bergmark; Planners Patrick Reidy and Allison Rice. Town Clerk Jonnie Driver was out of Town and unable to attend the meeting and Commissioner Sam Laughery was not able to attend due to medical purposes.

Mayor Hinnant called the meeting to order at 7:00 p.m.

Police Chief Bill Carter led the Pledge of Allegiance and the invocation was given by New Hope Missionary Baptist Church.

**Adjustment and approval of the agenda**

Commissioner Lutz made a motion to approve the agenda. The vote was unanimous 5-0.

**Item 1 – Public Comment Period**

Ann Stewart - 505 Hollybrook Road said she had read in the newspaper about the bond issue and that she hated to see Wendell head down that slippery road. She said Wendell had the highest taxes in Wake County and as a senior citizen she knew there were people struggling to pay their utilities and their food. She thought asking to float a bond for walking trails at the park when you have spent thousands of dollars on sidewalks to get them there safely was uncalled for. She said this was how our government had gotten in trouble by spending money that they did not have. She did not think it was fair for our town commissioners to vote another tax by floating a bond for anything at the present time. She said all of these things were good ideas, but it was the wrong time to ask the citizens of Wendell to pay more when the economy is like it is.

Mr. Shane Barham – 3355 Wendell Boulevard stated he was the principal of Wendell Creative Arts and Science at the Magnet Elementary School in Wendell. He said he had been in education for 16 years and in all his experiences, he had enjoyed working at Wendell Elementary the most. He said it was the most challenging, yet rewarding experience of his life. Wendell has 459 students enrolled in the school from Kindergarten to Fifth Grade and has three self-contained classes for students with special needs. He said 62% of our student population was considered to be economically disadvantaged, which means they receive free or reduced lunch. He said the school's demographics were 43% Caucasian, 38% African American, 18% Hispanic and 1% Asian. We have 51% males and 49% females that attend our school. We receive federal funds to assist with educating all of our students regardless of their economic background. Wendell is a Creative Arts and Science Magnet Elementary School, a national magnet school of distinction, and had received the award for the past two years. Based on the N.C. end of grade test scores for students in grades 3-5, 52% are proficient in reading and math and that number increases each year. He said for 5th grade students, end of grade testing indicated that 79% of the students are considered to be proficient in the area of science. The mission of Wendell Creative Arts and Science Magnet Elementary School is to educate each student to become lifelong learners through exploration and creativity while honoring each other. The vision is that the school will inspire curiosity, creativity, original thinking leadership and character.

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Mr. Barham said there were some wonderful and magnificent things taking place at Wendell Elementary and he wanted to tell you about these outstanding students, teachers and teacher assistants. He asked the Board to make wise decisions about the future of Wendell because ultimately it would impact our schools. Mr. Barham invited each of the Board members to visit the school so that they would know firsthand what was taking place in the school.

Regina Harmon – 6166 Tales Branch Court thanked Mr. Barham for his comments. She said she was present to speak on the PARTF Grant which would be discussed later in the meeting. She said she would like to thank the Board for the three things you voted on at the last meeting for our town. The people in our community were seeing that we are moving forward and making things happen. She said back in May the Side Walk Sale was a huge event; there was also the best Fourth of July celebration the Town had experienced with over 1,000 people in attendance. She said Movie Night was a great event, we had a lot of people show up and plan to do it again next year. She said the Food Festival was great and the Harvest Festival was a huge success. She said the Little Mr. and Miss contest was new this year and turned out great. She said the 10 ball tournaments that had taken place from March until now had brought a lot of foot traffic to our area and they eat and shop here in Wendell. She said the Light Show would start Nov. 22<sup>nd</sup> thru December 31<sup>st</sup> at the new location on Cypress Street, and then there would be the annual Lighting of the Square on December 5<sup>th</sup> at the Town Square and these events will be great for Economic Development. All of the events that have taken place have been great Economic Development tools. Ms. Harmon stated that she had talked with other business in Town and they had all said the same things, they too had benefited from the events.

Ms. Harmon said that brings her to the PARTF Grant which does more than just fix a bathroom or build a track, it will bring more opportunities for the Parks and Recreation and more development for our town. Wendell needs to develop its park to have more programs than baseball, basketball and volleyball. The PARTF Grant would help to get all these things and the bill would not have to be out of the pockets of citizens of Wendell. Mr. Parham said it best at the last meeting, we need to believe in our Town and have faith. We need to support our staff to the best of our ability and give them the tools to help build our community. She said by developing our Parks and Rec we open the door to do more events and programs to support our citizens with more opportunity. She asked that as the Board talked about the PARTF Grant tonight to have faith in our town, citizens, our Parks and Recreation Director and our Town Manager to get this grant, and vote to match the money needed. She said let's keep moving forward in Wendell.

**Item 2 – Consent Agenda**

- a. Approval of the Minutes from Monday, October 13, 2014 Board of Commissioners'
- b. Approval of the Wake County Tax Report for August 2014
- c. Resolution to apply for a NCDOT Pedestrian Grant as approved by the board on October 13, 2014.

Commissioner Parham made a motion to approve the consent agenda. The vote was unanimous 5-0.

**Item 3 – Presentation of the 2013-2014 audit report by Phyllis Pearson with Petway, Mills and Pearson, PA.**

Mrs. Pearson said the unassigned Fund Balance was \$3.9 million dollars and that more than exceeds the recommended 8% of prior expenditures that the Local Government Commission expects the council to be responsible for and maintain. She said \$1.7 million of the \$3.9 are deposits for water and sewer capacity fees.

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Mrs. Pearson said the Town had no budget overages and the funds were spent in accordance with the ordinances and amendments that were adopted by the council. The Town does not have any findings or non-compliance issue with regards to the maintenance of the budget.

Mrs. Pearson said the property tax schedule collection rate on the current year levy is 98.6% and on vehicles is 99%.

Mayor Hinnant said from what he gathered, you did not find any red flags or audit findings that you could see and that the Town was following the accounting principles set forth by the Local Government Commission. Mrs. Pearson said that was correct.

**Item 4 – Recognition of the 2014 Little Miss and Mr. Wendell contest winners, Howie Bair and Grayson Woody.**

Mayor Hinnant called all the participants forward for picture taking. Ms. Stacy Bradfield said she was the President of the Wendell Chamber and the kids had done an amazing job of raising funds for the food pantries in Wendell. The sponsor for this event was Sheree Hedrick and she had done an amazing job. The age limit was 6-10 years old Wendell Residents and being the first year the Chamber did not know what to expect. There were twelve entries and they raised just under \$10,000. Following the award recognition at the festival, there was a challenge in the audience asking people to help them get over the \$10,000 and another \$250 was raised which gave each of the four food pantries just over \$2500 each.

Mayor Hinnant said declared a 5 minute recess.

**Item 5 – Discussion and review of the Ordinance Amendment regarding bicycling, skateboarding and roller skating.**

Chief Carter said the Police Department routinely fields complaints regarding skateboarders on the streets and sidewalks in our community. He said there had been a number of near misses between persons on a skateboard with either pedestrians or vehicles. He stated many of the skateboarders had been identified and warned to stop the behavior however these warnings had for the most part been ignored.

Chief Carter said in response to this problem we began to examine our existing ordinances which might be used to address the issue. He said the existing ordinance addressing bicycling, skateboarding and roller skating prohibits all such activities on the sidewalks within town, as well as prohibits bicycles on sidewalks. He said bicycles are consider vehicles under North Carolina law and therefore cannot be prohibited on streets. He said the language in the current ordinance made it difficult to enforce in one particular area and also failed to take into account recent development trends that include wider sidewalks and multi-purpose paths.

Chief Carter said Traffic Officer Matthew Taylor conducted research and come up with recommendations as to the best possible methods to approach the issue.

Chief Carter said the Police Department recommends that the existing ordinance be amended to better address the issues and problems that have arisen. He said the focus of the amendment would be to protect and maintain the downtown areas so that businesses and customers go unaffected by wheeled conveyances on the sidewalks. The amendment would allow bicycles and skateboarders on sidewalks or multipurpose paths outside the downtown area. The downtown area would be defined as the area

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boundary by Wendell Boulevard, Pine Street, Second Street and Cypress Street to include all sidewalks on the identifying edges of the boundary.

Chief Carter said if these amendments were enacted, the enforcement would need to be clear and continuous in order for it to be effective. First offenses would result in verbal warnings and the bicycle, skateboard, or roller skates would be taken into custody to be released to the partners or guardians to ensure they were aware of the ordinance violations. The parent would be notified via written warning that if the child should continue to violate the ordinance then the parents would be charged for the violated ordinance and the violation would be documented by the police department. He said on the second offense the bicycle, skateboard, or roller skates would be confiscated and taken into secure holding. The parent of the minor, under the age of 16, would be issued a notice of violation and a fine of \$50.00. The item(s) would be returned when the Town had collected the fines. For persons 16 or older, there would be one documented warning followed by the issuance of a notice of violation and seizure of the bicycle, skateboard or roller skates. Each subsequent offense would be treated as a second offense for purposes of punishment.

Commissioner Parham asked what would happen if the fine was not paid. Chief Carter said you could attach a lien against the individual to whom the violation was issued. Commissioner Parham asked Chief Carter how he arrived at the fine of \$50.00. Chief Carter said that was set under the existing ordinance as a violation amount.

Commissioner Gray said Chief Carter you said you had talked with other Towns and she would be interested in what other towns did in this situation. Chief Carter said the three we looked at were Clinton, Hope Mills, Wilson Mills and they all prohibit them anywhere in town.

**Item 6 – Discussion and approval by the Town Board to submit a PARTF grant on behalf of the Town of Wendell.**

Parks and Recreation Director Jeff Polaski said after meeting with the Landscape Architecture his recommendation was to split the PARTF project into two budget years. This way the entire project could be completed within one (1) calendar year. If the project stretches further, there was the risk of increased labor cost and supplies.

Jeff said the timeline was year 1 Multi-purpose Field (site prep, drainage, and grading, lighting, turf) and Asphalt Parking lot, Year 2 Concrete Trail, Playground and Court Games. He left in, as an option, the installation of a picnic shelter/restroom. There was a need for restrooms, but bathrooms would not provide points toward receiving the grant.

Commissioner Lutz said did you say we would not know until July 5, 2015 if we have received the grant. Jeff said that is correct.

Commissioner Parham stated that he thought we should do whatever we could to make sure you stay afloat so that you can keep Wendell afloat.

Mayor Hinnant said the 40% that the board had stated they would like to keep in the Fund Balance was roughly \$200,000 plus to spend and still stay within the 40% threshold. The challenge he saw was what economic driver we were going to address first. We had already put money into the broadband for testing and it would be several hundred thousand dollars and \$250,000 if we do the park and we know we have other needs. He stated that one was not better than the other, what he was saying was we

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were trying to play catch up and we had a lot of needs and we could not support those needs unless we borrow money and that was why he had spoken about the bond issue. The challenge he saw tonight was if we decide to move forward with the PARTF Grant, he did not know how much of the other things we could do. If this board decides to do the PARTF Grant there was no way we could address the restroom issues. That was why he did not feel that we should do the PARTF Grant because it makes no sense to spend \$250,000 and not have adequate restroom facilities.

Commissioner Gray said it was her thought that if the board approved the PARTF Grant and we were fortunate enough to be awarded the grant that we would precede with the first part of it which was what Jeff had listed as phase I and phase II. She said once that was constructed, we could take a look at our bathrooms. She said she would like to move forward with the PARTF Grant application.

Mayor Hinnant said if we do get a PARTF Grant he just wanted the board to know that we would not have any funds available to do anything else and we already have \$100,000 coming out to take care of Lake Drive drainage problems.

Commissioner Boyette said in his mind the bathrooms were a higher priority than the multi-purpose fields. The bathrooms do not serve the ones that are out there. He would hate to build another field and be even more inadequate with bathrooms. He knew that we could not do everything at one time, but he thought it would make more sense to do the bathrooms first.

Commissioner Parham said we had to keep in mind those things that would give us points on the PARTF Grant and the bathrooms do not give points. Jeff said if the board decides they want to do the bathrooms first we could put the PARTF Grant application off for another year.

Commissioner Lutz said he felt like the park was a dynamic process that was changing and we had a lot coming at us but this was something we all agree was an economic driver and if we were lucky enough to get it we could shuffle things around. He thought moving forward with the Grant was the thing to do.

Commissioner Parham made a motion to accept staff recommendation to split the project into two budget years. The vote was unanimous 5-0.

Mayor Hinnant said he agreed with Commissioner Lutz that something had to be done about the restrooms. He asked Teresa meet with Jeff and Alton and see what could be done as a band aide fix because we could not have people out at the park without adequate bathroom facilities.

**Item 7 - Discussion and review of the Community Center Fee Waiver Policy**

Manager Piner stated the board asked for the Parks and Recreation to review the entire Facility Fee Waiver criteria for the Wendell Community Center.

Teresa said concerns had been expressed with the requirement that the "Entire" facility would need to be included in the waiver, that a non-profit had to have a 501(C)(3) for a year, and that it could not be a ticketed event.

Mrs. Piner said an example of a potential conflict could arise with non-profits, such as the Wendell Chamber, that were not approved as a 501(C)(3), however they were a non-profit.

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Teresa stated that in the Board's agenda packet were highlight changes that were being suggested. If there were other changes that you would like for us to explore, we would be glad to do that.

Commissioner Boyette said he did not see where there was a fee for the use of the kitchen. Was there a charge for renting the kitchen? Teresa said generally when a caterer or business rents a room the kitchen would automatically be available for their use, but we do not rent out just the kitchen but do have a place on the application for it to be reserved for an event.

Teresa asked that if there were additional suggestions or changes please let us know. She said this item would be placed on the Agenda for the November 10<sup>th</sup> Board meeting for approval.

***Item 8 – Update and review of the U-5323 roadway project***

Planning Director David Bergmark stated the Town received funds to conduct traffic engineering and planning for the intersection of Wendell Boulevard and Rolesville Road/Eagle Rock Road. This project was driven by the Town's desire to accommodate anticipated future traffic volumes at the intersection while improving safety and access. Ramey Kemp and Associates, Inc. were hired by the Town to perform more technical aspects of this study.

David said prior to receipt of the final plans, Town staff was approached by the Medlin family, which owns approximately 50 acres of property on the south side of Wendell Boulevard within the study areas impacted by the U-5323 study. He said they were considering development of their property and asked to see the preliminary U-5323 plan due to its potential impact. David said after reviewing the plan with Town staff and their broker, they expressed support for the proposal.

David said staff wanted to update the Town Board to let them know that the final plans had been completed and submitted to the planning department. The final plans include street cross-sections for the preliminary design and future build-out of the study area. The future build-out for Eagle Rock Road was shown as a 100 foot minimum right-of-way.

David said per the Town Board's direction, the plans would be forwarded to CAMPO. At this time, the U-5323 plans had not been incorporated into the Town's Collector Street Plan or officially adopted by the Town of Wendell as a Transportation Plan. He said none of the right-of-way alignments or cross-sections shown in the plan could be held as requirements for developers working in the study area. Instead, the plan currently could be used for guidance.

Commissioner Gray said she wanted to make sure that anyone that was impacted by the U-5323 project was in agreement with it. Is that the case? David said the property owners to the north of the intersection are aware of the plan, but David was not sure that the owners were in agreement with the alignment or right of way width and he would not want to speak to the current changes and the abutting property owners.

***Item 9 – Discussion and update of programming at the Community Center on Monday, Tuesday and Thursday evenings.***

Parks and Recreation Director Jeff Polaski stated CPR would be offered on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of the month as well as the Babysitting classes on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month. He said the Raleigh Little Theater classes would begin this weekend and would run until February 21<sup>st</sup>. He said he had met with a Martial Arts instructor that was interested in classes. He had also met with a group that was interested in having additional exercise classes. They would set their classes and come back with a

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schedule. The Ballroom dancing class was still hanging out there and we were trying to get in contact with someone who teaches Ballroom Dancing. There was also someone interested in teaching cotillion classes which teaches kids ethics in dancing, setting the table, and other social courtesies.

Commissioner Parham asked if there was a minimum number of participants before a class would be scheduled. Jeff said it depended on what time they wanted to hold the class and the rooms that was available. If you get too many participants we could move it to the gym if it was available.

Commissioner Gray said once you hear back from these groups and make some decisions, how were we going to get the information out to the public. Jeff said we would use the Facebook page, web page and the sign at the Fire Department or the newly constructed sign, Eastern Wake News, and the East Wake Newspaper would help us with some advertisement. Commissioner Gray said as these things begin to take place could you get the information to us in the Friday memo that is sent to us weekly so that we would know what was going on. Jeff said he would.

**Item 10 – Update on signage at the Wendell Boulevard/Buffalo Street Intersection**

Planning Director David Bergmark stated staff was asked by the Town Board to inquire on the ability to install a sign that prevented left turns at the intersection of Buffalo Street and Wendell Boulevard particularly during school hours. He said the District Office for NCDOT had been contacted and had agreed to look further into the matter of the placement of no left turn signs as well as other alterations to the intersection that may assist with the flow of traffic, particularly during peak travel times. The District Office had referred this matter to their engineering department. Staff would notify the Town Board once additional information was received from DOT.

**Item 11 – Update of the annexation agreement between the Town of Wendell and Rolesville**

David said the Town of Wendell currently had two existing annexation agreement boundaries with the Town of Knightdale and Zebulon. The agreement with Knightdale would expire in October of 2025 and the agreement with Zebulon would expire in July of 2026.

David said staff had approached the Towns of Rolesville using Riley Hill Road as the annexation agreement boundary and Archer's Lodge regarding the possibility of establishing annexation agreement boundaries between our jurisdictions, but to date had not heard from Archer's Lodge. He said if the Town Board was amenable, staff from both Wendell and Rolesville could begin preparing necessary documentation.

Commissioner Parham made a motion authorizing staff to move forward in preparing necessary documentation. The vote was unanimous 5-0.

**Item 12 - Commissioners' Comments**

Commissioner Lutz said he just wanted to remind everyone that on Friday night there would be a lot of kids trick-or-treating and to be careful and watch out for the kids.

Commissioner Parham said he conferred with Commissioner Lutz. He said he was passionate about education and found in the past that the Town had a strong education center and he had invited the principal of Wendell Elementary School here tonight, and would try to schedule the other principals to meetings so that we could get the information and statistics that we need available when making decisions. He said he would not deny that free or reduced lunches could have something to do with the ability of the kids, but it was way down the totem pole. He said he would not deny that affordable

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housing could have something to do with it, but that too was way down on the totem pole. The number one thing impacting the schools in Knightdale, Wendell and Zebulon was a lack of resources. He said when he visited schools in Raleigh and west of Raleigh he saw parents working with groups of kids and that was what made a difference in education. Principles were begging for parents and citizens to come into the schools and help out.

Commissioner Gray said she met with Mrs. Piner and Jeff about establishing a sponsorship program for some of the things we approved a few weeks ago the dog park, fitness trails and the Frisbee Golf Course. She hoped that the sponsorship program would give our community a sense of ownership and buy-in of what was taking place. She said she also attended Spirit Night for Wendell Elementary School and it was nice to have something here in town and she enjoyed being out there with the principal, parents and kids. It was a lot of fun. She wanted to thank Sheree Hedrick and the Chamber for the Little Mr. and Miss. Wendell Pageant and she was proud of all of them. She said she also attended a meeting to discuss the future of the Farmer Market and we were looking for someone to take on running the Farmer Market and we were working hard to make that happen. She said if you were interested in taking on the Farmers Market contact me for more information.

**Item 13 – Mayor’s Comments**

Mayor Hinnant said he would like to thank Ms. Stewart on her comments earlier concerning the bonds. He thought his intent was opposite from how the paper interpreted his comments. He said his intent was that we were going to be at a point where we were going to have to find a way to fund our needs. Our fund balance alone cannot fund those needs and he did not want to raise taxes, so he was thinking of the possibility of a bond. He said as Wendell Falls builds out, we should be able to pay that bond off without having to go into our Fund Balance. He said we had to find a way to be competitive with Wendell Falls; I don’t want Wendell Falls to be the tail that wags the dog. It was his hope to get a note to offset some of our needs and our taxes would not have to go up.

**Item 14 – Closed Session**

Commissioner Parham made a motion to go into a closed session to discuss a personnel matter pursuant to GS 143-318.11(a)(6). The vote was unanimous.

Commissioner Parham made a motion to return to the regular meeting. The vote was unanimous.

**Item – 15 Adjourn.**

Commissioner Parham made a motion to adjourn. The vote was unanimous. The meeting was adjourned at 9:39 P.M.

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Timothy A. Hinnant, Mayor

Attest:

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Jonnie S. Driver, Town Clerk